

No. 2023-1217

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

US SYNTHETIC CORP.,

Appellant

v.

INTERNATIONAL TRADE COMMISSION,

Appellee

Appeal from the United States International Trade Commission
Investigation No. 337-TA-1236

UNOPPOSED MOTION OF ZHENGZHOU NEW ASIA SUPERHARD
MATERIAL COMPOSITE CO., LTD.,
SHENZHEN HAIMINGRUN SUPERHARD MATERIALS CO., LTD. AND
GUANGDONG JUXIN NEW MATERIAL TECHNOLOGY CO., LTD.
FOR LEAVE TO INTERVENE IN THE APPEAL

INTEREST OF MOVANT AND GROUNDS FOR INTERVENTION

Pursuant to Federal Rule of Appellate Procedure 15(d) and published Practice Notes to Federal Circuit Rule 15, Zhengzhou New Asia Superhard Material Composite Co., Ltd., Shenzhen Haimingrun Superhard Materials Co., Ltd. and Guangdong Juxin New Material Technology Co., Ltd. (collectively, “Movants”) respectfully move for leave to intervene in this appeal brought by Appellant US Synthetic Corporation (“Appellant” or “USS”) from determinations by the United States International Trade Commission (the “Commission”) in Investigation No. 337-TA-1236, entitled *Certain Polycrystalline Diamond Compacts and Articles Containing Same*. Intervention is appropriate because Movants were respondents in Investigation No. 337-TA-1236 before the Commission, and Movants’ interests are directly at issue in this appeal.

Pursuant to Federal Circuit Rule 27(a)(2), Counsel for Movants discussed this motion with counsel for Appellant and the Commission. Both the Commission and Appellant stated that they do not oppose this motion.

Movants should be permitted to intervene in this appeal because they were the respondents and the prevailing parties in the underlying investigation at issue in this appeal. This Court has regularly held that intervention is appropriate in these circumstances. *See, e.g.,* Order, *Mahindra & Mahindra Ltd. v. ITC*, No. 20-2173 (Fed. Cir. Sept. 15, 2020), ECF No. 10; Order, *Jennewein Biotechnologie GmbH v.*

ITC, No. 20-2220 (Fed. Cir. Oct. 5, 2020), ECF No. 11; Order, *Autel Robotics USA LLC v. ITC, No. 21-1082* (Fed. Cir. Nov. 16, 2020), ECF No. 10; and Order, *Tela Innovations, Inc. v. ITC* (Fed. Cir. Jan. 6, 2021), ECF No. 10. Indeed, as the Court has recognized, parties who prevailed before the Commission are “entitled to participate in [the ensuing] appeal” as intervenors. *Surface Tech., Inc. v. Int’l Trade Comm’n*, 780 F.2d 29, 30-31 (Fed. Cir. 1985).

Movants’ interests will be directly affected by the outcome of this appeal. The Commission has determined that Movants did not violate Section 337 based on any of USS’s allegations before the Commission and at issue here. USS seeks to overturn appealable portions of that determination and related findings, orders, and decisions in the investigation. Thus, this appeal has the potential to affect Movants’ legal rights and business directly, and Movants are uniquely situated to address USS’s appeal arguments. The Commission has no affiliation with or interest in defending Movants, and thus the Commission may not adequately represent Movants’ interests. Accordingly, Movants should be permitted to intervene in this appeal.

Respectfully submitted,

Dated: December 29, 2022

/s/ Theodore J. Angelis

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**Counsel for Movants Zhengzhou New Asia Superhard Material Composite
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CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing Motion on counsel of record on December 29, 2022 by Electronic Means (by E-mail or CM/ECF).

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FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2021-1217

Short Case Caption: US Synthetics Corp. v. ITC

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Signature: /s/ Theodore J. Angelis

Name: Theodore J. Angelis